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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,113	11/14/2003	Abraham Vasant	6666P002	2720
8791	7590	12/01/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			ROYAL, PAUL	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,113

Applicant(s)

VASANT, ABRAHAM

Examiner

Paul Royal

Art Unit

3611

WU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/4/04, 8/5/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The information disclosure statements (IDS) submitted on 5 August 2004 and 4 April 2004 have been considered by the examiner.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-17, 21-22 drawn to a recreational vehicle's wheel arrangement, classified in class 180, subclass 6.5.
 - II. Claim 18-20, drawn to a recreational vehicle controller, classified in class 701, subclass 36.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the controller does not require the recited wheel arrangement.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Judith Supezie on 6/23/04 a provisional election was made with traverse to prosecute the invention of Invention I, claims 1-17, 21-22. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 18-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "engine brake" of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17, 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The last word in the claim is "and" which indicates applicant may have intended to add further limitations. It is unclear whether applicant intended to include further limitations to the claim. In the interest of furthering prosecution of the application, the final word "and" and the associated semicolon have been disregarded.

For claim 4, it is unclear whether applicant is claiming the instant invention includes signals, displays, and entertainment electronics or merely that a second battery is available to provide power for these uses. In the interest of furthering prosecution on the merits, the signals, displays, and entertainment electronics are understood to be examples of intended uses of a second battery, where the intended use signals, displays, and entertainment electronics are given little patentable weight.

For claim 9, it is unclear what applicant considers and "engine brake" where no engine brake has been shown in the drawings.

For claim 16, it is unclear what applicant is claiming as components of the "equipment profile".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 4,484,646).

Smith teaches a recreational vehicle (REV) comprising:

a frame (30) having a longitudinal axis and a lateral axis, the lateral axis intersecting the longitudinal axis at a center of gravity of the REV;

first and second drive wheels (12) attached to the frame along the lateral axis;

third and fourth wheels (18) attached to the frame along the longitudinal axis, the wheels arranged in a diamond shape; and

a first motor and a second motor for independently controlling a torque vector applied to the first drive wheel and the second drive wheel, enabling the vehicle to spin about its axis, and a battery to provide power to the first motor and the second motor, see column 6, lines 36-38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4-8, 10-11, 15, 16, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, as applied to claim 1, in view of Manak (5,923,096).

Smith teaches a recreational vehicle as claimed except a second battery and a joystick.

Manak teaches a vehicle control system including a second battery (55 or 55, see Figure 10) to provide power to signals, displays, and entertainment electronics within the REV, and a joystick (35) to control the REV, wherein the joystick is further for operator selection of vehicle speed, vehicle turn radius and vehicle turn angular velocity, whereby the REV may move in a straight line, in a turn, or spin in place; and wherein the joystick is further used to control braking (see column 1, lines 42-45);

a drive mode selector (36) to select a drive mode, the drive modes including forward and reverse;

a vehicle control computer (50) to enable the various functions on the REV, wherein the vehicle control computer comprises: an equipment profile (i.e., acceleration rate) to limit the REV functionality depending on a current condition of the REV, see column 4, lines 7-25; and

wherein the drive modes further include Park, the Park mode comprising applying a brake (53,54) to ensure that the REV remains stationary, see column 4, lines 26-33) to provide a vehicle which allows right handed or left handed driving.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recreational vehicle of Smith, as applied to claim 1, to include a second battery, a joystick, wherein the joystick is further for operator selection of vehicle speed, vehicle turn radius and vehicle turn angular velocity, whereby the REV may move in a straight line, in a turn, or spin in place; and wherein the joystick is further used to control braking, a drive mode selector, the drive modes including forward and reverse, a vehicle control computer wherein the vehicle control computer comprises: an equipment profile (i.e., acceleration rate) and wherein the drive modes further include a Park mode, the Park mode comprising applying a brake, as taught by Manak, to provide a vehicle which provides power to signals, displays, and entertainment electronics within the REV, wherein the joystick is further for operator selection of vehicle speed, vehicle turn radius and vehicle turn angular velocity, whereby the REV may move in a straight line, in a turn, or spin in place, and the vehicle allows right handed or left handed driving.

Note the operator dashboard/interface/console 30, is understood to use the batteries to provide to provide power to signals, displays, and entertainment electronics within the REV.

7. Claim 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, as applied to claim 1, in view of Beckert et al. (6,009,363).

Smith teaches a recreational vehicle as claimed except a smart card reader.

Beckert et al. teaches a vehicle including a smart card reader (42) to receive a smart card, the smart card to act as an activating key to make the REV functional, wherein the smart card stores a user profile, the user profile specifying abilities of the REV,

wherein the user profile may comprise one or more of the following: a maximum range, a maximum speed, a maximum acceleration, a maximum weight limit, to provide an easily expandable vehicle computing platform.

Note Beckert et al. teaches the data processed via the smart card (and other data storage mediums) include instructions concerning the vehicle's performance, to diagrammatic directions used by the navigation system, to video movies for in-car entertainment, see column 4, lines 26-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recreational vehicle of Smith, as applied to claim 1, to include a smart card reader to receive a smart card, the smart card to act as an activating key to make the REV functional, wherein the smart card stores a user profile, the user profile specifying abilities of the REV, wherein the user profile may comprise one or more of the following: a maximum range, a maximum speed, a maximum acceleration, a maximum weight limit, as taught by Beckert et al., to provide an easily expandable vehicle computing platform.

8. Claim 17 is are rejected under 35 U.S.C. 103(a) as being unpatentable over

~~Smith, as applied to claim 1, in view of Barrett, Jr. (3,245,493).~~

Smith, in view of Manak as applied to claim 15, teaches a recreational vehicle as claimed except wherein the vehicle computer includes automatic ride procedures.

Barrett, Jr. teaches an automatic control system (28) for a vehicle, which includes automatic ride procedures, as taught by Barrett, Jr., to enable the vehicle to ride in a self-guided mode, without requiring user input.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recreational vehicle of Smith, in view of Manak as applied to claim 15, to include automatic ride procedures, as taught by Barrett, Jr., to enable the vehicle to ride in a self-guided mode, without requiring user input.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heinze teaches a motor vehicle. Leonard teaches a foldable minicar. Imai et al. teaches a conveyor truck. Davidovitch teaches an electrical vehicle. Bolduc teaches a joystick operated driving system. Bonito et al. teaches a golf cart computer. Fernie teaches a wheelchair. Tvetene et al. teaches a bi-directional vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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